

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARY LA BARBERA, THOMAS GESUALDI, *
LOUIS BISIGNANO, ANTHONY PIROZZI *
FRANK FINKEL, JOSEPH FERRARA, SR. *
MARC HERBST AND THOMAS PIALI, *
Trustees and Fiduciaries of the Local 282 *
Welfare, Pension, Annuity, Job Training *
and Vacation and Sick Leave Trust Funds, *

Plaintiffs, *

- against - *

PI TRUCKING CORP. *

Defendant. *

07 CV 3064 (LDW)(ARL)

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JUDGMENT

The Clerk of the Court has noted the default of PI Trucking Corp., and based upon the Declarations of Michael Bauman and Theresa Cody, the accompanying exhibits, and the applicable law, the Court hereby enters judgment against Defendants, as follows:

(1) The Court requires that PI Trucking submit to Plaintiffs for audit, no later than thirty (30) days after the date of this Order, the following books and records for the period January 1, 2006, through present: payroll records, payroll tax records, business tax returns, cash disbursement records, general ledgers,

(2) In the event any contributions are found to be due and owing by any of the defendant, as revealed by the audits, such defendant shall pay Plaintiffs the amount of contributions owed, plus interest and liquidated damages, pursuant to Section 502(g)(2) of ERISA, 29 U.S.C. § 1132(g)(2);

(3) In the event that the Defendant fails or refuses to produce such books and records, the following penalty shall be assessed. The failure of any defendant to produce books and records within thirty (30) days of the date of this Order, provided that the defendant has been served with a copy of this Order, Plaintiffs shall be entitled to collect contributions as found in the estimated audit performed by the Funds in the amount of \$107,826.03, plus interest in the amount of \$33,523.59, liquidated damages in the amount equal to the interest owing or twenty percent of the unpaid contributions, whichever is greater, and attorney's fees and costs in the amount of \$10,692.00 pursuant to Section 502(g)(2) of ERISA, 29 U.S.C. § 1132(g)(2) and Article IX, § 3 of the Trust Agreement for a total of \$152,041.62; plus per diem interest at the rate of .000493151 per day from the date contributions are due to the date of judgment; and

(4) Such other relief as the Court finds necessary and proper.

SO ORDERED.

Date: Central Islip, New York
10/24, 2008



LEONARD D. WEXLER
U.S. DISTRICT COURT JUDGE